

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

OSCAR ANTONIO DIAZ HUETE,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 1:18cv01485-AJT
)	
JESSIKA OLIVETH SANCHEZ SANCHEZ,)	
)	
Respondent.)	
)	

MOTION FOR DEFAULT JUDGMENT

Petitioner Oscar Antonio Diaz Huete (“Petitioner”) brings this Motion pursuant to Federal Rule of Civil Procedure 55(b), seeking default judgment against Jessika Oliveth Sanchez Sanchez (“Respondent”). Based on Petitioner’s showing that Respondent has failed to plead or otherwise defend and has made no appearance in this matter despite receiving service and full process, the Clerk entered default against Respondent on February 12, 2019 (ECF No. 13). The matter is therefore ripe for default judgment.

In light of Respondent’s failure to appear, respond to the Petition, or otherwise acknowledge these proceedings, and for the reasons set forth in the accompanying Memorandum in Support, Petitioner respectfully requests that the Court enter default judgment in his favor, in the form of a permanent Order directing:

- a. The prompt return of the Child to her habitual residence of Honduras;

- b. The United States Marshals Service's assistance in collecting the Child from Respondent and escorting the Child to the appropriate international airport and onto her flight, as needed;¹
- c. That Respondent allow Petitioner to communicate with the Child via telephone, Skype, or other form of electronic communication, on a daily basis for up to 30 minutes each day, in advance of the Child's return to Honduras if such return cannot be immediately arranged, to prevent further alienation of Petitioner and to re-enforce the relationship between Petitioner and Child; and
- d. Any such further relief as justice and its cause may require.

ROSEBORO NOTICE

Pursuant to Local Civil Rule 7(K) and *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), Petitioner hereby notifies Respondent that Respondent is entitled to file an opposition to this Motion, and that such response must be filed within twenty-one (21) days of the date on which this Motion is filed. If Respondent does not file a response, the Court could conclude this action on the basis of the Petitioner's papers. In opposing this Motion, Respondent must identify all facts stated by Petitioner with which Respondent disagrees and must set forth Respondent's version of the facts by offering affidavits (written statements signed before a notary public and under oath) or sworn statements (bearing a certificate that such statement is signed under penalty

¹ Petitioner has been attempting to acquire a visa to travel to the United States for the purpose of participating in these proceedings and to be available to travel to Honduras with the Child. If he is able to obtain a visa, Petitioner would request the Marshals' assistance in collecting the Child from Respondent. However, if Petitioner is unable to acquire a visa, he requests that the Court order the Marshals to collect the Child from Respondent and escort her to her flight to Honduras, which Petitioner will arrange for the Child.

of perjury). Respondent is also entitled to file a legal brief in opposition to the one filed by the Petitioner.

Dated: April 3, 2019

Respectfully submitted,

By: _____/s/_____
Maya M. Eckstein (VSB No. 41413)
E-mail: meckstein@hunton.com
Ann E. Hancock (VSB No. 91010)
E-mail: hancocka@hunton.com
Lewis F. Powell, III (VSB No. 18266)
E-mail: lpowell@hunton.com
Hunton Andrews Kurth LLP
951 East Byrd Street, East Tower
Richmond, Virginia 23219
Telephone: (804) 788-8200
Facsimile: (804) 344-7999

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2019, I caused a copy of the foregoing to be electronically filed using the CM/ECF system and additionally arranged for service on Respondent.

By: /s/ Maya M. Eckstein